

Serial 87
Workers Rehabilitation and Compensation Amendment (Fire-Fighters)
Bill 2014
Mr Gunner

A Bill for an Act to amend the *Workers Rehabilitation and Compensation Act*

NORTHERN TERRITORY OF AUSTRALIA

WORKERS REHABILITATION AND COMPENSATION AMENDMENT
(FIRE-FIGHTERS) ACT 2014

Act No. [] of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the *Workers Rehabilitation and Compensation Act*

[Assented to [] 2014]
[Second reading [] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Workers Rehabilitation and Compensation Amendment (Fire-Fighters) Act 2014*.

2 Section 4 amended

(1) Section 4(7)

omit

(2) After section 4(8)

insert

(9) Unless the contrary is established, a disease is taken to have been contracted by a worker in the course of a period of his or her employment as a fire-fighter, and the employment is taken to have materially contributed to the worker's contraction of the disease, if:

(a) the disease is a disease, or a disease of a kind, specified in Column 1 of Schedule 1AA; and

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- (b) the worker:
- (i) was, before he or she became aware of his or her contraction of the disease, employed as a fire-fighter for the qualifying period specified for the disease in Column 2 of Schedule 1AA; or
 - (ii) died without having become so aware but was, before he or she died, employed as a fire-fighter for the qualifying period specified for the disease in Column 2 of Schedule 1AA; and
- (c) the worker was, during the course of his or her employment as a fire-fighter, exposed to the hazards of a fire scene; and
- (d) the worker is an eligible worker; and
- (e) in the case of a worker who is or was a volunteer member or bushfire brigade volunteer, the worker attended at least 175 incidents of fire-fighting operations during a period of not more than 5 years in connection with the person's appointment as either or both of the following:
- (i) a volunteer member;
 - (ii) a bushfire brigade volunteer.
- (10) In determining a period of employment as a fire-fighter under subsection (9)(c), all periods of employment of a worker as a fire-fighter are to be combined.
- (11) For this section:
- (a) a reference, in relation to a worker, to employment as a fire-fighter includes a reference to a period during which the worker was appointed as either of the following:
 - (i) a volunteer member;
 - (ii) a bushfire brigade volunteer; and
 - (b) a reference to a period of employment of a worker as a fire-fighter, in relation to a volunteer member or bushfire brigade volunteer, includes a reference to a period:
 - (i) starting on the first day on which the worker is a volunteer member or bushfire brigade volunteer; and

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- (ii) ending on the last day, before the worker becomes aware of his or her contraction of a disease to which subsection (9) relates, on which the worker is a volunteer member or bushfire brigade volunteer.

(12) In this section:

bushfire brigade volunteer means a person who, without remuneration or reward, volunteers with the consent of or under the authority and supervision of, or in cooperation with, a volunteer fire brigade established under the *Bushfires Act*.

eligible worker means a worker:

- (a) if, on or after the commencement of the *Workers Rehabilitation and Compensation Amendment (Fire-Fighters) Act*, the worker:
 - (i) becomes aware that he or she has contracted a disease specified in Schedule 1AA; or
 - (ii) dies before becoming aware that he or she had suffered a disease specified in Schedule 1AA; or
- (b) in relation to whom a claim is made, if:
 - (i) the claim is not a claim under section 62 or 63; and
 - (ii) the claim is made within 2 years after the commencement of the *Workers Rehabilitation and Compensation Amendment (Fire-Fighters) Act*.

fire-fighter means a member, or bushfire brigade volunteer, whose duties include fire-fighting operations or fire prevention operations.

fire-fighting operations includes:

- (a) any act that is necessary or expedient for or directed towards any of the following:
 - (i) extinguishing a fire;
 - (ii) preventing the spread of a fire;
 - (iii) saving life or preventing injury to persons by a fire;
 - (iv) preventing property from being destroyed or damaged by fire;
 - (v) providing sustenance for persons performing any act mentioned in subparagraph (i), (ii), (iii) or (iv);

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- (vi) taking action to prevent the outbreak of fire; and
 - (b) attending incidents involving hazardous materials; and
 - (c) the undergoing of training in relation to all or any acts specified in paragraphs (a) and (b).

fire prevention operations means:

- (a) any operations carried on, or any work or other acts done, for the purpose of preventing the outbreak of fire or abating the danger of fire; and
- (b) the undergoing or provision of training in relation to any of those operations or acts or that work.

hazardous material, see section 3(1) of the *Fire and Emergency Act*.

member, see section 3(1) of the *Fire and Emergency Act*.

volunteer member, see section 3(1) of the *Fire and Emergency Act*.

working day, in relation to a worker, means any day on which he or she attends at his or her workplace for the purpose of working.

workplace, where there is no fixed workplace, includes the whole area, scope or ambit of the worker's employment.

3 Schedule 1AA inserted

After Schedule 1

insert

Schedule 1AA Occupational diseases for fire-fighters

section 4(9)

	Column 1	Column 2
	Disease	Qualifying period
1.	Primary site brain cancer	5 years
2.	Primary site bladder cancer	15 years
3.	Primary site kidney cancer	15 years

4.	Primary non-Hodgkins lymphoma	15 years
5.	Primary leukaemia	5 years
6.	Primary site breast cancer	10 years
7.	Primary site testicular cancer	10 years
8.	Multiple myeloma	15 years
9.	Primary site prostate cancer	15 years
10.	Primary site ureter cancer	15 years
11.	Primary site colorectal cancer	15 years
12.	Primary site oesophageal cancer	25 years
13.	Primary site liver cancer	5 years
14.	Asbestos related diseases	5 years
15.	Skin cancer	15 years
16.	Lung cancer	15 years
17.	A disease prescribed by regulation	The period prescribed by regulation for the disease

4 Expiry of Act

This Act expires on the day after it commences.